

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

| | | |
|----------------------------|---|----------------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Rogers Group, Incorporated |) | NOTICE OF VIOLATION |
| Bloomington, Indiana |) | |
| |) | EPA-5-00-IN-19 |
| |) | |
| Proceedings Pursuant to |) | |
| Section 113(a)(1) of the |) | |
| Clean Air Act, 42 U.S.C. |) | |
| § 7413(a)(1) |) | |

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Rogers Group, Incorporated (Rogers Group) is violating the Indiana State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On June 17, 1987, U.S. EPA approved 325 IAC 5-1 as part of the federally enforceable SIP for Indiana. 52 Fed. Reg. 23032. The recodification of this rule, with minor revision, was approved on June 15, 1995 and effective July 15, 1995. 60 Fed. Reg. 31412.
2. 325 IAC 5-1(a)(1)(A) prohibits the discharge, from any affected source or facility located in attainment areas for particulate matter, of visible emissions in excess of an average of 40 percent opacity in 24 consecutive 15-second visible emission readings.

Specific Findings of Violation

3. Rogers Group owns and operates a Crushed Stone Plant at 1100 North Oard Road, Bloomington, Indiana.
4. Rogers Group operates the Tail of the 3 North Conveyor at the Crushed Stone Plant.
5. The 3 North Conveyor was in operation on or about April 7, 1999.

6. Emissions from Rogers Group's Tail of the 3 North Conveyor transfer point are subject to the opacity regulations in the Indiana SIP at 325 IAC 5-1(a)(1)(A).
7. U.S. EPA collected the opacity data at Rogers Group's Crushed Stone Plant on April 7, 1999, using Method 9 readings. The following results show the six-minute averages that exceeded the 40% opacity limit:

Tail of 3 North Transfer Point

| <u>Set Number</u> | <u>Opacity (%)</u> | <u>Opacity Limit (%)</u> |
|-------------------|--------------------|--------------------------|
| 2 | 44.2 | 40 |
| 3 | 45.6 | |
| 4 | 49.8 | |
| 5 | 55.6 | |

Finding of Violation

8. The Administrator of U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Indiana and Rogers Group, Incorporated, Bloomington, Indiana, that Rogers Group, Incorporated is in violation of the Indiana State Implementation Plan as set forth in this Notice of Violation.

4-17-00

Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING


I, Betty Williams, do hereby certify that a Notice of Violation, No. EPA-5-00-IN-19, was sent by Certified Mail, Return Receipt Requested, to:

Matt Mabrey, Project Engineer
Rogers Group, Incorporated
350 South Adams Street
P.O. Box 849
Bloomington, Indiana 47402-0849

I also certify that copies of the Notice of Violation was sent by first class mail to:

David P. McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, Indiana 46206-6015

on the 18th day of April, 2000.



Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 2199026402